

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 9, 2005
SACRAMENTO, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on Wednesday, November 9, 2005, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

In light of the current vacancy on the California Supreme Court, the Honorable Candace D. Cooper, Associate Justice, Court of Appeal, Second Appellate District, Division Eight, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S131030 In re the Marriage of Nicole F. Brown and Anthony Yana

Nicole F. Brown (Yana), Respondent

v.

Anthony Yana, Appellant

Cause called. Mr. Jeffrey W. Doeringer opened argument for Respondent.

Mr. John F. Hodges argued for Appellant

Ms. Judy Wood continued argument for Minor.

Mr. Doeringer replied.

Cause submitted.

Justice Cooper, not participating in consideration of the following matters, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable M. Kathleen Butz, Associate Justice, Court of Appeal, Third Appellate District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S126773 The People, Plaintiff and Respondent
 v.
 Javier O. Salas, et al., Defendants and Appellants
 Cause called. Mr. Lance W. Winters, Office of the Attorney
 General, argued for Respondent.
 Mr. Neil Rosenbaum opened argument for Appellants.
 Mr. Gerald Serlin continued argument for Appellants.
 Mr. Winters replied.
 Cause submitted.

Justice Butz, not participating in consideration of the following case, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Patricia Bamattre-Manoukian, Associate Justice, Court of Appeal, Sixth Appellate District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S124464 Pacific Lumber Company, et al., Plaintiffs and Respondents
 v.
 California State Water Resources Control Board,
 Defendant and Appellant
 Cause called. Mr. Edgar B. Washburn argued for Respondents.
 Mr. Nicholas Stern, Office of the Attorney General, argued for
 Appellant.
 Mr. Washburn replied.
 Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

Justice Bamattre-Manoukian, not participating in consideration of the following case, did not take the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Orville A. Armstrong, Associate Justice, Court of Appeal, Second Appellate District, Division Five, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S124503 The People, Plaintiff and Respondent

V.

Jonathan Joseph Shelton, Defendant and Appellant

Cause called. Ms. Rachelle A. Newcomb, Office of the Attorney General, argued for Respondent.

Ms. Deborah Prucha argued for Appellant.

Ms. Newcomb replied.

Cause submitted.

Justice Armstrong, not participating in consideration of the following case, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Daniel A. Curry, Associate Justice, Court of Appeal, Second Appellate District, Division Four, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S037302 The People, Respondent

v.

Eric Lamont Hinton, Appellant

Cause called. Mr. Jay L. Lichtman opened argument for Appellant.

Ms. Tracy J. Dressner continued argument for Appellant.

Mr. Gary Lieberman, Office of the Attorney General, argued for Respondent.

Mr. Lichtman replied.

Ms. Dressner replied.

Cause submitted.

Justice Curry, not participating in consideration of the following case, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Rodney A. Davis, Associate Justice, Court of Appeal, Third Appellate District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S041630 The People, Respondent

v.

Phillip Carl Jablonski, Appellant

Cause called. Mr. Mark D. Greenberg, argued for Appellant.

Mr. Christopher Grove, Office of the Attorney General, argued for Respondent.

Mr. Greenberg replied.

Cause submitted.

Court adjourned.

S137413

D046955 Fourth Appellate District,
Division One

ELSHIRE (LAURA), ON H.C.

Time extended to grant or deny review

to December 16, 2005

S137573

F048412 Fifth Appellate District,

BARTEL (TIMOTHY) ON H.C.

Time extended to grant or deny review

to December 23, 2005